

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
August 22, 2018

The Highland Board of Zoning Appeals met on August 22, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Martini.

ROLL CALL: Present were Mr. Helms, Mr. Martini, Mr. Grzynski, Mr. Leep and Mrs. Murovic. Also present were Attorney, Mr. Jared Tauber and Building Commissioner, Mr. Ken Mika.

MINUTES: The minutes of the July 25, 2018 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be September 26, 2018 at 6:30 p.m.

Communications: None

Old Business: Approval of Findings of Fact for Kenneth Hay, 1310 Tralee Ct., Dyer, IN 46311, requesting a variance to exceed accessory structure allowance. Asking to build an additional detached three car garage at the location of 10250 Kennedy Ave. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Leep motioned to approve the Findings of Fact. Mr. Helms seconded and it unanimously passed with a roll call vote of 5 - 0.

Old Business: Approval of Findings of Fact for Erin Watson, 9234 Wildwood Drive, Highland, IN, requesting a variance to move fence beyond build line. Property is on a corner. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure;

awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

Mr. Martini motioned to approve the Findings of Fact. Mr. Grzyski seconded and it unanimously passed with a roll call vote of 5 - 0.

New Business: Public Hearing for Jovan Lozevski, 521 Cochran Drive, Crown Point, IN, 46375, requesting a variance for minimum lot size requirement for overall lot size, length and side yard setback from 8' to 5', for potential duplex to be built on vacant lot for the location of 2731 41st Street. {HMC 18.20.060}(C)(1)(a) (A) Minimum Lot Size. Minimum lot size requirements for an R-2 district are as follows:(2) Every single-family detached dwelling shall meet the requirements of and every two-family attached dwelling hereafter erected shall be on a zoning lot having a minimum area of 9,600 square feet and a minimum lot width of 80 feet at the building line, and lot depth of 120 feet; provided, that a lot of record on the effective date of the ordinance codified in this title which is less than 9,600 square feet in area or less than 80 feet in width, or 120 feet in depth, may be improved with a single-family detached or two-family attached dwelling where authorized by the board of zoning appeals. {HMC18.20.050}(H)(1) Minimum Side Yards. Minimum side yard requirements in an R-2 district are as follows: One-Family Detached or Two-Family Attached Dwellings. On a lot improved with a one-family detached or two-family attached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Jovan Lozevski, of Lakeview Homes stated his name and his intent to obtain variances for lot depth, lot square footage and side yard setback on the 80' x 116' vacant lot at 2731 41st Street, Highland, IN 46322 in order to build a two-story duplex. He stated that with the required minimum square footage he is 320 sq. feet shy of that total, with the lot depth he was 4' shy of that requirement of 120', and that he was requesting 5' side yard setbacks, although the Town's minimum was 8' for side yard setbacks. He pointed out that he was not requesting this because he planned on making the house that wide and that it would be 62' total width, which would fit in the required 8' setbacks. He

was requesting 5' setbacks to hopefully give himself some leeway with the placement of the house when building. He stated he wanted to keep the look of the house cohesive with the neighborhood and conducive to the area.

Mrs. Murovic opened the discussion to the public.

Ian Boyle of 2727 41st Street stated his name and address and said that his shed is only 1' off the property line of the vacant lot at 2731 41st Street. Mr. Boyle stated he does not think the variances should be granted because the lot is small and he felt it would look crowded with that size of a duplex built on it. He also stated the neighbor on the other side of the property has a garage that is close to the property line of the empty lot.

Richard Jureczko of 2715 41st Street stated his name and address. He stated some time ago, he was interested in the property to build an Americans with Disabilities house for his Mother-in-Law. He was told he would need a variance for lot depth to build there and he backed off at that point. He stated he felt that building the duplex on this size of lot would not be conducive with the neighborhood and that he disagreed with Mr. Lozevski's statement. He felt that they should all have the same rules.

Sallie Krooswyk of 2745 41st Street stated her name and address and remonstrated that she and her husband, Lee, were against a duplex of this size on the vacant lot in question.

Ryan Schislinski of 9302 Kennedy Avenue stated his name and address and added that he also felt the lot is too small for a duplex and the largest structure that should be built on this land is a single-family home.

Mrs. Murovic closed the public discussion and brought it back to the Board.

Mr. Helms requested that Mr. Lozevski outline on the plat of survey where he intended to build the proposed duplex, which direction it would be facing and where the entrances to the property would be, which he did.

Mr. Lozevski asked the remonstrators why nobody had purchased the lot if they wanted to keep it vacant, since it had been available for so many years. He also stated that he and his father did speak to a few of the remonstrators in their initial search for possible properties on which Mr. Lozevski would like to build. As he recalled, he was very unsure of his plans at that point and said he didn't even know if this lot would work for him and that is why he had the utilities marked to see if it was feasible to build a duplex on the property. Mrs. Krooswyk replied that she and her husband had inquired about the lot in the past, but the owner had indicated that they had to build his choice of house and his plans would need to be used, otherwise he would not sell the lot to them. Mr. Lozevski replied that in all the conversations he had with the seller, even as recently as a few weeks earlier, the seller had never mentioned anything about Mr. Lozevski building only his choice of house or using only his plans.

Richard Jureczko stated that when he inquired about the land and what he had intended to build on it, he was told that he would need variances. He changed his mind at that point because he did not want to encroach on any easements. Mrs. Murovic and Mr. Mika clarified that what is being discussed did not involve “easements”. What was being discussed were “setbacks”. They also made it clear that you can never build on an easement and that setbacks are subject to change over the years.

Mrs. Murovic asked Mr. Lozevski if he knew the size of the lots nearby to the proposed property that had a duplex on them. He responded that the lot next door to this with a duplex on it was 61’ wide. Mr. Lozevski pointed out that the last house he built on in Highland was located on Condit. He had to obtain a variance for that property and the lot was 62’ wide. He built a 47’ house on the property leaving 5’ on one side and 7’ on the other. He stated that the house was built with care, using the best of materials and looks very nice. All the neighbors have expressed their approval and are pleased with the addition of the home to their neighborhood. He pointed out that he will take the same care with this property and does not intend to build a cookie-cutter house, make a quick dollar and leave. He intended to take his time and do things right. Mr. Lozevski again pointed out that he was requesting the side yard setbacks simply because he was hoping for a little leeway in the positioning of the house to make it aesthetically pleasing in the space. One side had more open space than the other because of a patio and the other had a two-story structure right on the edge. Positioning it with more space on that side would be more appealing in his opinion. He also pointed out that the house would fit in the lot without the side yard setbacks. Mr. Lozevski also expressed that he did not like having thin side yards, and how difficult they made it for yard maintenance.

Mr. Martini asked Mr. Lozevski what his plans were for this duplex assuming the variance was approved. He responded that he would sell both sides individually. Mr. Martini asked why he would not place the duplex in the center of the lot because he had 18’ to do that and would have 9’ on each side. Mr. Lozevski responded that he very well may do that and that it would fit, he was just trying to have the freedom to place it where he thought it would look and work the best. Mr. Leep asked Mr. Lozevski if there was a reason he chose a duplex instead of a single-family home. Mr. Lozevski responded that the neighborhood was zoned for duplexes as well as single-family homes and that there were others on the street. Mr. Martini asked what Mr. Lozevski would do if the vote were against him this evening. Mr. Lozevski responded that he would move on to other things. He said he loved highland, and would continue to research other areas and properties and would continue to build nice homes for nice families. Mr. Helms asked if Mr. Lozevski would consider building a single-family home on the property instead of a duplex. Mr. Lozevski responded that the numbers didn’t work out as well for him with that scenario.

Mr. Martini motioned to deny the petitioners request for a 5’ side yard setback variance, and to accept the lot depth and lot square footage variances. Mrs. Murovic confirmed with Mr. Tauber that these motions should be voted on separately.

Mr. Leep motioned to approve the motion for lot depth and lot square footage. Mr. Martini seconded the motion and it was approved with a 4 – 1 roll call vote.

Mr. Martini motioned to deny the request for a 5' side yard setback. Mr. Grzymiski seconded the motion and it was approved with a 3 – 2 roll call vote.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Helms Second: Mr. Grzymiski Time: 7:20 p.m.